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*C. R. Bard, Inc. and Bard Peripheral Vascular, Inc.*

21 **IN THE UNITED STATES DISTRICT COURT**  
22 **FOR THE DISTRICT OF ARIZONA**

23 IN RE: Bard IVC Filters Products Liability  
24 Litigation

No. 2:15-MD-02641-DGC

25 **PARTIES' JOINT MOTION FOR**  
26 **LEAVE TO FILE UNDER SEAL**  
27 **AND INCORPORATED**  
28 **MEMORANDUM OF LAW**

(Assigned to the Honorable David G. Campbell)

1       The parties hereby respectfully and jointly move this Court, pursuant to the  
 2       Stipulated Protective Order (Doc. 269), Federal Rule of Civil Procedure 26(c)(1)(G), and  
 3       Local Civil Rule 5.6 for leave to file under seal their respective submissions regarding  
 4       Plaintiffs' request to retake the deposition of David Henry, M.D. ("Dr. Henry"), as well as  
 5       the transcript of Dr. Henry's prior deposition. The deposition transcript contains certain  
 6       Plaintiffs' personal healthcare information that is protected under HIPAA and confidential  
 7       under the Stipulated Protective Order, warranting protection from public disclosure. The  
 8       parties' submissions also contain references to and quotations from the deposition  
 9       transcript, which also implicate Plaintiffs' personal healthcare information. Accordingly,  
 10      there is good cause to grant the Parties' Joint Motion for Leave to File Under Seal.

#### 11                               **ARGUMENT AND CITATION OF AUTHORITY**

12       The Court has requested that the parties submit briefing regarding Plaintiffs'  
 13      request to retake the deposition of David Henry, M.D. *See* Case Management Order  
 14      No. 26 (Doc. 6799). In their respective memoranda to be submitted for the Court's  
 15      consideration, the parties plan to quote, cite, and attach as an exhibit the transcript of  
 16      Dr. Henry's prior deposition. Dr. Henry was the treating physician who implanted an IVC  
 17      filter in Plaintiff Lisa Hyde. As a result, the transcript of his deposition contains  
 18      Plaintiffs' personal health care information. Portions of the parties' submissions  
 19      themselves as well the deposition transcript discuss particular Plaintiffs' respective  
 20      medical histories and current medical conditions, are confidential under the terms of the  
 21      Stipulated Protective Order (Doc. 269), and are also protected from public disclosure  
 22      pursuant to HIPAA. Indeed, the Court has already sealed similar information in this  
 23      litigation.

#### 24                               **CONCLUSION**

25       For all of the foregoing reasons the parties request that the Court grant their Motion  
 26      for Leave to File Under Seal.

1 RESPECTFULLY SUBMITTED this 28th day of July, 2017

2  
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**CERTIFICATE OF SERVICE**

I hereby certify that on July 28, 2017, the foregoing was electronically filed with the Clerk of Court using the CM/ECF system which will automatically send e-mail notification of such filing to all attorneys of record.

s/ Richard B. North, Jr.